

United States District Court
District of Massachusetts (Boston)

Case No.: 1:04-cr-10119-MEL

UNITED STATES of AMERICA,

v.

JAMES R. HART,
Defendant.

MOTION TO SEAL

NOW COMES DEFENDANT, James R. Hart, by his attorney, and moves the Court, respectfully, pursuant LR7.2, for an order allowing the filing of an *ex parte* motion concerning matters that require the communication to the Court of privileged information. Counsel seeks leave hereby to move *ex parte* for an order allowing certain expert funds and examinations necessary to the preparation of the defense. In accordance with L.R. 7.2 (c), there should be no cut-off date for the order sought in this motion; once the judgment of this action becomes final as to all defendants and collateral review has concluded (or time for the same has expired), material not specifically released from impoundment should be returned to counsel for destruction. This request should not be construed as a blanket order of impoundment. L.R. 7.2(e). It is intended to apply only to confidential records, submissions of the defense in connection with this motion and any anticipated expert reports.

Counsel certifies as follows in accordance with LR 7.1(a)(2) ¹: Counsel

¹ " *Motion Practice*. No motion shall be filed unless counsel certify that they have conferred and have attempted in good faith to resolve or narrow the issue." LR 7.1

conferred with AUSA Seth Berman on Friday, April 7, 2006 concerning the counsel's unspecified need for an *ex parte* motion. After such conference, the government has no objection to the sealing of an *ex parte* motion.

Dated this 10th day of April, 2006 at Boston, Massachusetts.

/s./ Kevin L. Barron

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CERTIFICATE OF SERVICE

Counsel certifies that he has served AUSA Seth Berman electronically with a true copy of this motion by the CM/ECF of this District today on April 10, 2006. No party requires service by mail.

/s./ Kevin L. Barron

Kevin Lawrence Barron 550712